

THE
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MISCELLANY.

ROMANCE OF REAL LIFE.

MRS. GAINES.

The two most important cases now before the Supreme Court are those of the heirs of Stephen Girard, versus the city of Philadelphia, and that of Mr. Gaines, the wife of General Gaines, who has long and earnestly labored for her rightful possession. Eminent council are engaged in these cases, and it is pleasant to contrast the quiet dignity of the Supreme Court Room with the more animated bustle of inferior Courts.

The history of Mrs. Gaines, were it unfolded, would be seen to possess something of the romantic. For a long time her parentage was concealed from her. In early life she was brought from New Orleans to the Middle States, and for many years lived in the family of a Colonel Davis, near Wilmington, Delaware, passing under the name of Myra Davis, as the niece or perhaps daughter of this man, who was believed to have possession of some portion of her property. As her mind was unfolded with the growth of her person, Myra naturally became inquisitive on the subject of her lineage, expectations, &c., but obtained little satisfaction from her reputed uncle or father. Davis, however, sent her to the best schools that she might receive a finished education, where she learned French, Drawing, &c. Arrived at womanhood, with a sprightly mind, a good person, very frank, and affectionate and confident disposition, Myra became an object of interest to those of the other sex, who are not insensible to the charms of the more tender portion of our race. Probably the air of mystery that surrounded did not diminish that interest. There was one young man in particular, who was smitten with her charms: Mr. Whitney, son of Gen. Whitney of your State, a lawyer by profession, an amiable and excellent young man, and in the estimation of Miss Davis, to be preferred before all others to a place in her affections. To his proposal for a union, Miss Davis assented, with a frankness which presented a strong contrast to the feelings of her uncle. He was violently opposed to it, without it, is believed, assigning a satisfactory reason. Every obstacle however, thrown in the path of the lovers, served only to strengthen their mutual attachment. Miss D. fled the house of her uncle, took refuge in a seclusion which he in vain endeavored to penetrate, awaited with a maiden's modesty and a lover's anxiety the arrival of her betrothed, for lovers will exchange pledges, tho' it be through stone walls or over tempestuous waves—made a grand mistake in meeting another gentleman by the name of Whitney, who happened to arrive at a certain place in a train of cars, in which at the same hour she expected the real Whitney—but at length, after the course of their true love had run with a roughness to which their young hearts had hitherto been strangers, they were happily and triumphantly married.

Mr. and Mrs. Whitney went to New Orleans, the seat of some millions worth of property, which she claimed as her own, and which she contends is fraudulently withheld from her. Mr. W. there investigated the matter with untiring diligence, met with the usual obstinate opposition in such cases, and was, I believe, thrown into prison. He was not destined either to recover the property, or to continue in life with his beloved bride. Mrs. Whitney became a widow, a youthful widow, and a very sincere mourner. In this state of widowhood, she was approached by the gallant old General, who sympathized so deeply with her sorrows as to offer to take that place in her affections which had been occupied by her departed husband. Whether those substantial charms in expectancy had any hand in vanquishing the heart of the old gentleman, it would be presumptuous in any one to determine, without looking into the interior of his mind, and inspecting his motives. The frankhearted girl, however, was understood to have assured the brave soldier, in accepting his hand that one condition must be reserved. She was always to have the privilege of eulogizing the character, loving the memory, and descending the virtues of her first and youthful Love, *ad libitum*. Who would refuse such a boon?

Of late years the General and his lady have been engaged at times in travelling as the ministers of peace and good will to men: at times in prosecuting this claim involving an immense fortune. The law's delay has for a long time held the result in abeyance. But at this session of the Supreme Court it has been urged by eminent counsel at length—the matter is before the Judge in full—the parties anxiously waiting the decision which is to make or break. But if Justice be done, there is little doubt that Mrs. Gaines will win the cause, and come into the possession of that property which I sincerely believe has been unjustly denied her.

Mrs. G. is a lady of many fine qualities. Happily among the list of her virtues is to be found that of perseverance, and very buoyant hope, which have carried her safely thus far. Should she even fail of her object, fortitude will not forsake her. Resignation will then be expected to adorn that mind which has hitherto been equal to every emergency.

For the Ypsilanti Sentinel.

Our Legislature has at length, after an almost fruitless session of ten weeks adjourned.

WHAT HAS THE LEGISLATURE DONE?

Is the oft repeated inquiry of those who feel that they have an interest in the general weal of the affairs of State, and the actions and doings of their agents. The answer, in the opinion of those who have traced the extraordinary course of that body to whose guardian care the fate of matters for the time being have been committed, may be given with propriety, in the laconic reply of very little, except to make a bill of expense of some thirty five thousand dollars to be paid out of the hard earnings of the tax-payers of this State. And were the question varied, so as to ask what that body has done that the interest of the state required it to do, I candidly believe nothing, would be a full answer. Perhaps in no session of the Legislature of Michigan, since the organization of our state government has less of real business been done than this.

There is not, in fact, a single act the fruits of this session, in the shape and form that it has passed and been yet published of general utility, or that will be likely to remain long, upon our statute books.

The act for the punishment of seduction in its design is well no doubt. But what enlightened man can peruse that bill but with feelings of disgust with the illogical vague and unintelligible manner in which it is framed, to say nothing of the low and vulgar language in which it is clothed.

This however, is the principal bill the pride and boast of this noble session.

The bill making appropriation upon the Central Rail Road were it not upon a principal even worse than that of robbing Peter to pay Paul, would be beyond all doubt in accordance with the best interest of the People as well as the finances of the State. But it may, in my opinion, be well asked, how can the Legislature after all the net proceeds of our works of Internal Improvements have been appropriated up to July '45, and even more than in any rational view of the subject, can be anticipated—make an appropriation of \$75,000 out of the net proceeds of the Central Rail Road for the continuation of that road. This bill is inconsistent with and in contravention of the acts of the last session above referred to, and must operate upon the common law rules as a repeal of those acts so far as those two acts are inconsistent with this. Now this would no doubt be well enough if it had been done without any infringement upon vested rights that have accrued under these acts. This however is not the case. Rights have accrued and become the subject of legal regard by means of the appropriation made by those acts, and there is no way for the state to extricate herself from these obligations except through the base and infamous position that she is a sovereign state and therefore possesses within herself the power of repudiation. But this objection is sought to be removed by another act which provides in substance that the proceeds of the Road shall not be so appropriated unless those who have

acquired rights under those former acts shall give their assent. This is virtually the effect of this supplementary act to this famous appropriation bill, for after having clearly repealed the acts of 1843, upon this subject they re-instated them again by this act. This in my opinion, if it is any thing, is a complete antidote for the poisonous effects of this appropriation bill. It has been a mountain in labor and it is a mouse after all; for who that may have received warrants drawn against the Internal Improvement Fund upon the faith of the acts of the session will consent that the proceeds of that road may be diverted to any other object, or in other words who will be so patriotic as to surrender their own personal rights for the good of the public where their own finances are to be made a sacrifice in the act. The bill then is virtually repealed by the little act that has followed close upon the heels of it. Thus this learned body build up this man of straw that they might have the glory of demolishing it. This course of procedure is however decidedly flattering to the constituents of those noble gentlemen and to the public generally. For it is impossible to resist the conclusion that they have wound themselves up to an extraordinary estimate of the patriotism and disinterested benevolence of those for whose interest they have been selected the trustees.

In order to incline them to submit the fate of so important a measure, and one in which the interest of the state is so deeply concerned to such an extraordinary and self denying ordeal before it can go into operation.

The acts above mentioned are the only laws of much consequence that have been made known to the public.

There is, to be sure, one other law by any tax payer and as I happen to be one of that class of community, I beg to be excused for advertising to it although a notice of it may not produce a very pleasant sensation in the feelings of the reader if he be also a tax payer. And that is the bill making appropriations of the peoples' money to pay the members and officers of the Legislature of the State of Michigan for the year A. D. eighteen hundred and forty-four. This bill received the united and prompt action of both Houses. I believe it passed without a single dissenting voice and became a law without debate.

I do not say, Mr. Editor, that the acts above mentioned contain all the sayings and doings of that body or all the laws passed by it. But I do say there has little or nothing else been done but had better been left undone; and quare whether the great interests of the State would not have ultimately been quite as well protected without the passage of even these. Now sir, it is not so much after all the failure of our Legislature to pass a great number of laws that I complain of as it is its failure to pass a certain joint resolution to adjourn within a reasonable time, and I aver that all the necessary business that has passed through the hands of this Legislative session might and ought to have been done up in twenty days. This is as long as the legislatures of many of the older states hold their sessions. This is as long as Michigan need to hold hers. Yet with all our financial difficulties, and notwithstanding the oft repeated expression of the public opinion against protracted and burthensome sessions of the Legislature we are doomed to submit to a session of seventy two days, and for no better reason than that the gentlemen who compose that body think it was their duty to remain together thus long all for the interest of the dear people no doubt. Being in no way influenced as every one believes by the per diem allowance of three dollars! Oh no, it must indeed be quite small business for such gentlemen, nine out of ten of whom could not in any possible way short of petty larceny or a successful throw of the dice have realized during the time they have been together fifty cents per day to be influenced by so paltry a consideration.

Besides it is right for the constitution does not prescribe limits to the length of the sessions of the Legislature, and it is lawful and although, if we do not admit in the broadest sense that "whatever is right" we must admit whatever is lawful is right. Besides, we must grant that these gentlemen in this part of the discharge of duty are well fortified with precedents yes, every tax payer will bear me witness that this is far from the first time that a set of political gamblers have exhausted their treasury, and by a humane and mild tax law which always seems to be framed with the especial regard of those worthies been called upon to replenish it. In fine, a sort of legalized swindling has seemed to follow and characterize most of the matters connected with the finances of the public since the organization of our State Government, which has rested like an incubus upon the energies of our population. And is their no relief for us—must we tamely submit to these constant and outrageous abuses in public matters, and will any one say there is & has been no abuses? Who can look back to the organization of our state government and follow step by step the course that has been pursued with our state affairs and contrast our present condition with what it might and ought to have been and say that all is and has been fairly and honestly conducted? I opine no honest and intelligent mind can come to such a conclusion. Should you see fit, Mr. Editor, to give place to this in your columns, I will in a future number attempt to suggest a remedy against some of the abuses that now exist in our public matters.

DEMOCRACY AS IT SHOULD BE.

EXTRACT OF MR. OLDS SPEECH.

We are told daily and hourly by the Locofoco leaders, of unanimity of preference. "Is this true?" As the first man who votes with that party, and he will tell you, "I am not in favour of Mr. Van Buren, but I must succumb to the will of the majority of the party." Why says he so? Because hiring presses, salaried minions, corrupt office holders, and craving office seekers have told him that Mr. Van Buren is the popular man of that party. He wishes to obtain information and to satisfy himself with regard to the tone of the party in this state—he applies for information, and is referred to a man perhaps, who holds or expects office, under the miserable blackguard at the head of the State Government, and is told—a Lie!—he seeks the press and receives the falsehood with a double dye from that pool of corruption, the Auditor General's Office. To all such we say, look abroad, read, and see what is said and done by your political friends in other states. The following speech made by Dr. Olds, of Ohio, recently delivered at a locofoco meeting at New York, will give some insight into public sentiment in the Buck-eye State:—*Oakland Gazette*.

"We ought not to risk the principles of our party and our cause upon a question about men. I admit most cheerfully that feelings of justice towards Mr. Van Buren are natural, and they are due, for the sacrifice he made in 1840, by a rigid adherence to democratic principles, in that memorable contest; and I concede that, if we should go into the contest with him as leader, and could win the triumph, it would be greater and more glorious than under any other circumstances. But if there be any doubt impending over his election, if nominated, and that upon another we might rally and unite successfully, would not sound policy dictate that we should yield for him, personally, and take up some other individual? Such, clearly, should be our course. Such is the true policy of the democratic party. There is, and it is natural and right that there should be, all over the country, a strong feeling in favour of Martin Van Buren in the democratic party. But can he carry this state? In Ohio, thousands, as well as myself believe that he cannot carry, nor come near carrying that state. [Applause.] In 1840, no man fought the Van Buren battle with more zeal than the humble speaker who now addresses you. And if Mr. Van Buren shall be found the strongest man the country affords as our standard bearer, I shall again enlist in his support as cordially in '44, as I did in '40. [Cheers.]

But, in Ohio, if I ask the advocates of Mr. Van Buren, if he can carry that state they tell me no; but that he is nevertheless the strongest man in Pennsylvania, and in other states. If you go to Pennsylvania, and ask the same question,

of his advocates there, they tell me no; but that he is the strongest man in Ohio. [Laughter.] There is a good deal of trouble in finding out where Mr. Van Buren is the strongest man. It is like the inquiry in the west as to the location of the "milk sickness." A man asks if they have the milk sickness in such or such a place. He is told no—but they have it some ten mile ahead of that locality, very badly. And then going to that place, the stranger receives the same answer to his question: the milk sickness is not there, but they have it very badly about ten miles ahead. It is the same with this Van Buren milk sickness in the west. [Laughter and applause.] So in other states; in Indiana, in Tennessee; with Mr. Van Buren as the candidate, the fate of either would be uncertain;—but in Indiana with the name of Cass, the result would be beyond all doubt; and with his name on our banner, Mr. President, I pledge you my head, for at least 20,000 in that state! [Applause.] Ohio and Pennsylvania, so doubtful with Mr. Van Buren, would unite on Gen. Cass, with the same invincible strength as they did for Gen. Jackson. [Cheers.] And it behooves us to inquire, among ourselves, whether there be not some stronger man in the party than another, and if so, it behooves us to take him up. If not to take the other.

And now, Mr. President, am I not justified in the assertion that Mr. Van Buren cannot be elected? Sorry indeed, am I to say it; but I am compelled to do it. The majority against him would be larger than in 1840. [Applause.] Write it down, all of you that are standing here on the 6th day of February, in the year 1844, before the Baltimore Convention, in the state of Ohio alone, I tell you that the majority against Mr. Van Buren, if he be selected as the democratic candidate for the presidency in May next, will not fall short of 12,000 votes! And this you will tell me next November is true, although not intended as prophecy, but a plain historical fact, as palatable now and then. [Tremendous cheering.]

Mr. Van Buren reminds me of a mon-Paganini, on a house top. He had stolen a fiddle and had run with it to that elevated position. He had seen people play, as he sat on the ridge pole of the house, he drew the bow across the strings. This made him spring back some feet. Again he drew his bow, and again he recoiled from the "sound himself had made." Without knowing to what danger he was rapidly tending, he at length had retreated to the edge of the roof; but he gave one more pull with the bow, which being followed by the accustomed spring backwards, precipitated the poor fellow to the ground! Mr. Van Buren has reached the edge, and has only to make one more attempt, to fiddle himself overboard altogether.

TRIMMING TREES.

The proper season for this operation has been a subject of much discussion. Formerly the fashion was rather general to trim in winter when the sap is said to be down in the roots of the tree, or at least as early as March, before the buds began to swell. But many good orchardists now doubt the propriety of trimming at this season; and Judge Buel of Albany is decidedly of the opinion of those foreigners who recommended for this business the season between the first and second growth of the tree, that is, some time in the latter part of June or the first of July.

EXCESSIVE TRIMMING.—It is now generally agreed that no large limbs should be cut off, but that a little trimming of the small twigs annually, such as interfere with each other, may be taken off to a good advantage and will prove sufficient. It has been contended that trees should never be trimmed—that nature gave them no more than she intended they should keep, and that by robbing the tree of its natural branches, we inflict on it an irreparable injury.

This doctrine may lead us to far. If we must not curtail the works of nature we must suffer our beards, or our hair, and our nails to grow out. But the question is asked, why have trees limbs and leaves given them in excess? The true answer may be, that nature intended there should be, in general, an abundance, so that the tree might be provided against casualties. That insects must be provided for, and would be in want of their portion. But that when no calamity robbed the tree of any part of its foliage, and the inferior animals did not take from it their customary supply, it was then the duty of man to act as regulator and to take from the tree as much as is sometimes lost in the natural course of events.—[Bos. Culture.

Don't this little fill the column, eh!

FEARFUL SCENE WITH A LEOPARD.

We learn from the Baltimore Patriot, that on Friday the members of an Equestrian Company, now in that city, were passing through several of the streets. Accompanying them was Herr Driesbach, in a carriage, having with him one of his Leopards. When in front of Dix & Fogg's Fountain Inn, Light street it was agreed upon to take some refreshments for which purpose they alighted and went into the Hotel, Herr Driesbach taking with him his Leopard. After remaining awhile the party proceeded to retire to their horses and carriages. Herr Driesbach had the Leopard under his right arm. When nearing the door he was encountered by a crowd of boys, whose ungovernable curiosity led them to see the animal. In the crowd just as the lion tamer had stepped upon the pavement, a boy about 12 years of age, named John Quinn, son of Charles Quinn, residing in Saratoga street, was thrown against the Leopard by some of his companions. It caught him with his paw, and in an instant grasped the little fellow firmly in his jaws. Driesbach, with great nerve and firmness immediately thrust his hand into the Leopard's mouth, thrusting it down his throat, and by means of distending his tongue, caused the animal to release his hold. The boy received a wound on the cheek, about three inches in length and depth nearly to the bone, besides one or two other wounds on the head. He was taken to the office of Dr. McLaughlin, who dressed the wounds which are not considered dangerous, although very painful.

The Leopard appeared perfectly furious and determined on making sure of his prey. Driesbach called for a knife, when endeavoring to subdue his pet, and intending to take its life; but it had let go its hold before an instrument could be handed him."

A warrant was issued soon after the occasion, against Driesbach, by Justice McDonald, and he was arrested, charged with an assault against the boy above mentioned, by means of the animal in question. He was merely held to bail in \$1000. Priors of the managere for \$5000 damages, after having previously offered to "make the matter up" for \$500 or even \$300. Rather an unfeeling proposition for a father, we should say. Driesbach has suffered dreadful pain from the wound received in the rescue.

CHICKEN-MANUFACTORY.—Nature is getting superfluous. We rather think she will soon be voted out of fashion and dispensed with. There is a chap just over our publication office hatching Chickens in a big box, fifty a day, having a thousand eggs always doing. The trouble of attending them is slight, the heat costs little, and the chickens crack their several shells and walk up to their dough and water like wood choppers to dinner or sailors to their grog. They are clean, strong and lively, grow fast and rarely die, (not being dragged through the grass); and whoever has a hatching machine can have Spring Chickens every week in the year, and at small expense. If we could only invent a machine to lay eggs now, hens would be done with.—*Tribune*

NEW HAMPSHIRE.

Exeter, March 14, 1844.

To the Editors of the Atlas.

Gentlemen:—You are already aware of the state of the recent election in New Hampshire. The result has disappointed no one here. Whoever, abroad, expected any good to come out of it, must have hoped against hope. Expect anything from New Hampshire—a State that, year after year has opposed all improvements, put down all enterprise, within her borders—stood up against civilization itself—gone back, for its political notions, to the dark ages, and the North American Indians! With democracy in her mouth, she has foolishly and ignorantly cheated herself out of all the blessings of good legislation, and wholesome laws. Now—ridden, galled, dogged, and plundered, by the most miserable packs of office hunters and office holders that ever cursed a people—hopeless, defenceless—who can expect anything good from such a State? Why, considering what it has been, the great Whig party throughout the country should rejoice that there has been no change. Would her vote give additional strength to the name of that generous, noble, straight forward enlightened patriot, HENRY CLAY.—No. It would detract from his fair fame, and disgrace the Whig States that will elect him, without such aid. For Heaven's sake, let the few remaining Whigs in New Hampshire alone. Attach no blame to them. They are all getting ready, and leaving the State as fast as they can.